UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
_____

JAHTEEK STANFORD,

                        Petitioner,

            v.   9:16-CV-1160
                                                                        (TJM)
THOMAS GRIFFIN,

                        Respondent.
_____

APPEARANCES: OF COUNSEL:

JAHTEEK STANFORD
12-A-4858
Petitioner, pro se
Green Haven Correctional Facility
P.O. Box 4000
Stormville, NY 12582

HON. ERIC T. SCHNEIDERMAN   ALYSON J. GILL, AAG
Attorney for Respondent
Office of the Attorney General
120 Broadway
New York, New York 10271

THOMAS MCAVOY
Senior United States District Judge

DECISION and ORDER

        On April 4, 2017, the Court granted petitioner Jahteek Stanford's motion to stay his

petition pending exhaustion of a state court motion to vacate his conviction, brought pursuant

to New York Criminal Procedure Law ("CPL") §440.10. Dkt. No. 15, Decision and Order. In

a letter dated June 6, 2017, petitioner advised the Court that his motion is exhausted. Dkt.

No. 17, Letter. Accordingly, the stay granted in this matter is immediately lifted.

        If petitioner intends to add new claims to his petition, he must file a motion to amend

pursuant to Rule 15 of the Federal Rules of Civil Procedure and N.D.N.Y. Local Rule 7.1

within thirty (30) days of the filing date of this Decision and Order. Petitioner must attach a

complete proposed amended petition that raises both the claims now raised in his pending

petition (Dkt. No. 9) and any new claim(s) petitioner wants to add. *See* N.D.N.Y. L.R.

7.1(a)(4) ("A party moving to amend a pleading pursuant to Fed. R. Civ. P. 14, 15, 19-22

must attach an unsigned copy of the proposed amended pleading to its motion papers.

Except if the Court otherwise orders, the proposed amended pleading must be a complete

pleading, which will supercede the original pleading in all respects. A party shall not

incorporate any portion of its prior pleading into the proposed amended pleading by

reference."). Any proposed amended petition must also fully satisfy Rule 2 of the Rules

Governing Section 2254 Cases in the United States District Courts, which provides:

> (c) Form. The petition must:
>
>> (1) specify all the grounds for relief available to the petitioner;
>> (2) state the facts supporting each ground;
>> (3) state the relief requested;
>> (4) be printed, typewritten, or legibly handwritten, and
>> (5) signed under penalty of perjury by the petitioner or by a person authorized
>> to sign it for the petitioner under 28 U.S.C. § 2242.

Rule 2, Rules Governing Section 2254 Cases in the United States District Courts. Petitioner

must also address whether his proposed amended petition is timely and, if it is not, he should

address the "relation back" requirement of Rule 15(c) of the Federal Rules of Civil Procedure.

Mayle v. Felix, 545 U.S. 644, 664 (2005).

WHEREFORE, it is

ORDERED that the stay in this action is immediately lifted and this action is returned

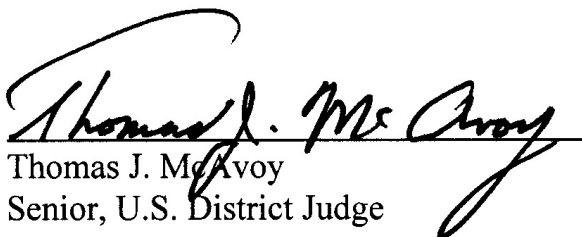to the Court's active docket; and it is

ORDERED that if petitioner wants add any new claim(s) to his pending habeas petition, he must file and serve upon the respondent a motion to amend his original petition, pursuant to Rule 15 of the Federal Rules of Civil Procedure and Local Rule 7.1, within thirty (30) days of the filing date of this Decision and Order. Petitioner must also attach a proposed amended petition setting forth **all** of the claims that he wants this Court to consider, including the claims now raised in the petition and any new claim(s) petitioner wants to add to the petition. Petitioner must also demonstrate either that his proposed amended petition is timely, or that it "relates back" to his original petition (Dkt. No. 9); and it is

ORDERED that the Clerk is directed to send petitioner a blank section 2254 habeas petition which he should use for his proposed amended petition; and it is

ORDERED that upon filing by petitioner of any motion to amend his petition, the Clerk is directed to return the file to the Court for further review; and it is

ORDERED that the Clerk serve a copy of this decision and order upon the parties in accordance with the Local Rules.

Dated:June 12, 2017

Thomas J. McAvoy
Senior, U.S. District Judge